

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7589
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10030712-1

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AUG 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Russell Alan Parker

Serial No.: 10/722,950

Examiner: Marianne L. Padgett

Filing Date: November 25, 2003

Group Art Unit: 1762

Title: METHODS FOR TREATING AT LEAST ONE MEMBER OF A MICROARRAY STRUCTURE AND METHODS FOR USING THE SAME

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

<input checked="" type="checkbox"/> Response/Amendment	<input type="checkbox"/> Petition to extend time to respond
<input type="checkbox"/> New fee as calculated below	<input type="checkbox"/> Supplemental Declaration
<input type="checkbox"/> No additional fee (Address envelope to "Mail Stop Amendments")	
<input checked="" type="checkbox"/> Other:	(Fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X 50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						+ 360
EXTENSION FEE	1 ST MONTH 120.00	2 ND MONTH 450.00	3 RD MONTH 1020.00	4 TH MONTH 1590.00		\$ 0
					OTHER FEES	\$ 0
						TOTAL ADDITIONAL FEE FOR THIS AMENDMENT
						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.2.5. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Russell Alan Parker

By

Edward J. Baba for Dianne Rees
Attorney/Agent for Applicant(s)

Reg. No. 52,581

Date: 08-16-2005

Telephone No. (650) 485-5999

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

571-273-8300

Date of facsimile: 08-16-2005

Typed Name: Donna Macado

Signature: Donna Macado

Rev 08/03 (TransAm)

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(11 mail total)

VIA FACSIMILE
571-273-8300

RESPONSE TO RESTRICTION/ ELECTION REQUIREMENT	<table border="1"> <tr><td>Attorney Docket</td><td>10030712-1</td></tr> <tr><td>Confirmation No.</td><td>9616</td></tr> <tr><td>First Named Inventor</td><td>Russell Alan Parker</td></tr> <tr><td>Application Number</td><td>10/722,950</td></tr> <tr><td>Filing Date</td><td>November 25, 2003</td></tr> <tr><td>Group Art Unit</td><td>1762</td></tr> <tr><td>Examiner Name</td><td>Marianne L. Padgett</td></tr> <tr><td>Title</td><td>Methods for Treating At Least One Member of a Microarray Structure and Methods for Using the Same</td></tr> </table>	Attorney Docket	10030712-1	Confirmation No.	9616	First Named Inventor	Russell Alan Parker	Application Number	10/722,950	Filing Date	November 25, 2003	Group Art Unit	1762	Examiner Name	Marianne L. Padgett	Title	Methods for Treating At Least One Member of a Microarray Structure and Methods for Using the Same
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Group Art Unit	1762																
Examiner Name	Marianne L. Padgett																
Title	Methods for Treating At Least One Member of a Microarray Structure and Methods for Using the Same																

Dear Sir:

This communication is responsive to the office communication dated July 19, 2005.

In the above referenced office communication, the Examiner imposed an election of species requirement, requiring the election of one species and one subspecies for further prosecution in this application:

- (A) Deposition (i.e., permanent coating on the gasket),
 - Subspecies: (i) Laser deposition;
 - (ii) Oxide form at functionalization
- (B) Etching or extraction,
 - Subspecies: (i) solvents: (a) aqueous;
 - (b) organic-polar;
 - (c) organic-nonpolar
 - (ii) Oxygen etch;
 - (iii) Plasma etch (other than oxygen);
- (C) Modifying without necessary addition or subtraction of material to gasket
 - Subspecies: (i) Texturing;
 - (ii) Plasma.

The Applicants hereby elect species (C) and subspecies (ii).

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Agilent Ref: 10030712-1
United States Application Serial No. 10/722,950

Accordingly, the claims readable on the elected species are Claims 1, 16-18, 25, 26-29, and 53-56.

The Applicants also respectfully urge the Examiner to search all of the groups and species in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct species if to do so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, it is respectfully submitted that the search for the claims of the elected species will likely find any relevant prior art relating to the non-elected species.

Accordingly, little, if any, additional searching should be required for the claims of the non-elected species, and therefore the examination of the claims of the entire invention should impose little, if any, additional burden on the Examiner.

As such, examining all of the species of the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to examine all the species together in the present application.

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Agilent Ref: 10030712-1
United States Application Serial No. 10/722,950

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: August 16, 2005

By: 

Edward J. Baba
Registration No. 52,581

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